

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DELBERT E. HARRIS,)	CASE NO. 8:08CV284
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
JOHN DOES, 8 Unknown Omaha)	
Police Officers & All persons in)	
active concert & participation with)	
them,)	
)	
Defendants.)	

This matter is before the court on its own motion. On November 25, 2008, the court conducted an initial review of the Complaint and determined that Plaintiff's claims were not properly brought as an action pursuant to 42 U.S.C. § 1983. (Filing No. 6.) However, the court permitted Plaintiff the opportunity to request that the court treat his Complaint as a Motion filed pursuant to 28 U.S.C. § 2255. (Id.) The court warned Petitioner that if he failed "to respond, in accordance with this Memorandum and Order, this matter will be dismissed without prejudice." (Id. at CM/ECF p. 4.) Petitioner has not filed a response to the court's previous Memorandum and Order.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice; and
2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 23rd day of February, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge